



State of West Virginia *Board of Medicine*

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EXECUTIVE DIRECTOR

MEMORANDUM

TO: The Honorable Mac Warner
Secretary of State

FROM: Mark A. Spangler, Executive Director
West Virginia Board of Medicine 

DATE: March 26, 2020

RE: Temporary Suspension of Certain Provisions of 11 CSR 12

The West Virginia Board of Medicine is the state agency charged with protecting the health and safety of the public through licensure, regulation and oversight of medical doctors (MDs), podiatric physicians (DPMs), and collaborating physician assistants (PAs).

On March 16, 2020, the Honorable Governor of the State of West Virginia, Jim Justice, declared a State of Emergency to address the COVID-19 pandemic and delegated "to all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency."

On March 19, 2020, Governor Justice issued Executive Order 7-20, authorizing the suspension of certain regulations codified in the West Virginia Medical Practice Act, W. Va. Code § 30-3-1 *et seq.* and the West Virginia Physician Assistants Act, W. Va. Code § 30-3E-1 *et seq.* to suspend certain statutory provisions relative to the regulation of physician and physician assistant practice in West Virginia. On March 23, 2020, by way of Executive Order 10-20, Governor Justice amended the provisions of Executive Order 7-20, relating to the suspension of certain regulations related to physician practice in West Virginia.

In accord with the March 16, 2020 Emergency Proclamation and Executive Orders 7-20 and 10-20, the Board of Medicine respectfully requests that the following provisions of W. Va. Code R. § 11-12-1 *et seq.* be temporarily suspended:

Rule Section	Temporary Suspension
11-12-4.3 (suspend only the strikethrough language)	4.3. The Board will not consider an application or decide upon the issuance of a permit to an applicant until the complete application, including all third-party documentation and/or verification, is on file with the Board and the Board has had at least fifteen business days to review the application.

11-12-5.1	5.1. An educational permit is valid for a period of up to one year and, except as otherwise provided in this rule, expires on the last day of June following the issuance date of the permit.
11-12-5.2 (suspend only the strikethrough language)	5.2. An educational permit may be renewed annually during the renewal period established by the Board if the permit holder remains eligible to receive a permit.
11-12-7.2 (suspend only the strikethrough language)	7.2. If the Board determines the evidence in its possession indicates that an educational permit holder's continuation in practice or unrestricted practice as part of a graduate medical training program constitutes an immediate danger to the public, the Board may take any of the actions provided in W. Va. Code §30-3-14(j) on a temporary basis and without a hearing if institution of proceedings for a hearing before the Board are initiated simultaneously with the temporary action and begin within fifteen days of the action. The Board shall render its decision within five days of the conclusion of a hearing under this subsection.

Board of Medicine licensees are on the front line of the COVID-19 epidemic, and the Board is committed to seeking emergency measures to assist them as they work to protect and serve the citizens of West Virginia. All educational permits are scheduled to expire on June 30, 2020. Pursuant to Executive Order 7-20, the Board has the flexibility to extend the permits and renewal period. These temporary rule suspensions will facilitate protection of the public by reducing regulatory strain on providers, graduate medical education programs, and government during the state of emergency.

Thank you for your time and attention to this request. If granted, the Board of Medicine further requests that the identified rule provisions be suspended until the State of Emergency is lifted.